

REMARKS

The claims have been amended to recite a method of subcutaneously administering, sublingually administering, or intranasally administering a biologically active agent. Support for these amendments can be found, for example, in claims as originally filed, and on page 6, lines 19-21 of the specification.

Claims 13-16, 18, 23-25, 27, 32, 50-53, 55, 60-62, 64, 69, 87-90, 92, 97-99, 101, 106 and 112-127 stand rejected as obvious over U.S. Pat. No. 4,873,087 (Morishita) or U.S. 4,442,090 (Kakeya).

Applicants respectfully submit that Morishita and Kakeya do not disclose or suggest subcutaneously, intranasally, or sublingually administering a biologically active agent. Applicants respectfully request that the obviousness rejection be withdrawn.

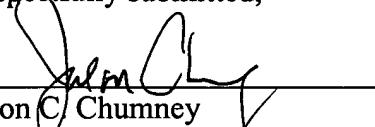
Claims 13-37, 50-74, and 87-127 stand rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-20 of U.S. Patent No. 6,017,538 and claims 1-39 of U.S. Patent No. 6,221,367. Applicants note that the Examiner appears to have inadvertently referred to U.S. Patent No. 6,017,538 instead of U.S. Patent No. 6,071,538.

In the September 22, 2003 Amendment, Applicants offered to file a terminal disclaimer over these patents upon a finding of allowable subject matter, solely in order to advance prosecution.

Claims 13-37, 50-74, and 87-127 have been rejected as obvious over U.S. Patent No. 6,071,538. Applicants respectfully submit that US. Patent No. 6,071,538 does not have an earlier effective filing date than the present application. The present application and the '538 Patent claim priority to the same applications (e.g. U.S. Serial No. 08/328,932, 08/168,776, etc.). Accordingly, the '538 Patent is not a prior art reference to the present application.

Dated: June 30, 2004

Respectfully submitted,

By 

Jason C. Chumney

Registration No.: 54,781
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant